



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,489	12/14/2000	Ryohei Sato	SON-0494US	8372

30743 7590 07/21/2004

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
----------	--------------

2686

6

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,489

Applicant(s)

Sato

Examiner

Rafael Perez-Gutierrez

Art Unit

2686

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on December 14, 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 and 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2686

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements submitted on December 14, 2000 and March 11, 2003 have been considered by the Examiner and made of record in the application file.

Drawings

3. The drawings are objected to because of the following minor informality: On **figure 7A**, replace "POTABLE" with --PORTABLE--.
4. Corrected drawing sheets are required in reply to the Office Action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the Applicant will be notified and informed of any required corrective

Art Unit: 2686

action in the next Office Action. If a response to the present Office Action fails to include proper drawing corrections, corrected drawings or arguments therefor, the response can be held **NON-RESPONSIVE** and/or the application could be **ABANDONED** since the corrections to the drawings are no longer held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the Applicant for a patent.

Claims 1-11, 18-28, and 35-45 are rejected under 35 U.S.C. 102(a) as being anticipated by **Fujii (JP 11-196469)**.

Consider **claims 1, 18, and 35**, Fujii clearly shows and discloses a communication refusal (termination rejection) method, a Personal Handyphone System (PHS) telephone 1110a-1110c (figures 1 and 2) and a radio communication system for performing communication between a Personal Handyphone System (PHS) telephone 1110a-1110c (portable cellular phone set) (figure 1) on an origination side and a PHS telephone 1110a-1110c (portable cellular phone set) on a destination (termination) side through a base transceiver station apparatus 1111a-1111c (figure 1 and paragraphs 0014-0017), wherein said PHS telephone 1110a-1110c (portable cellular phone set) on the destination (termination) side has a function of notifying said PHS telephone 1110a-1110c (portable cellular phone set) on the origination side of a communication refusal

Art Unit: 2686

(termination rejection) reason with respect to a communication (termination) request from said PHS telephone 1110a-1110c (portable cellular phone set) on the origination side in a service (i.e., type of communication) with which said PHS telephone 1110a-1110c (portable cellular phone set) on the destination (termination) side cannot cope (paragraphs 0008-0013, 0021, 0029-0034, and 0041), and said PHS telephone 1110a-1110c (portable cellular phone set) on the origination side has a function of notifying (e.g., by displaying) the communication refusal (termination rejection) reason outside (paragraphs 0011-0013, 0030-0034, and 0039).

Consider **claims 2-5, 19-22, and 36-39, and as applied to claims 1, 18, and 35 above**, Fujii further discloses wherein said PHS telephone 1110a-1110c (portable cellular phone set) on the origination side includes a function of switching to a service (i.e., type of communication, for example, voice (speech) communication) (paragraph 0040) with which said PHS telephone 1110a-1110c (portable cellular phone set) on the destination (termination) side can cope on the basis of the presence/absence of information indicating a service type (e.g., voice (speech)) in the communication refusal (termination rejection) reason from said PHS telephone 1110a-1110c (portable cellular phone set) on the destination (termination) side (paragraph 0033, and 0039-0041).

Consider **claims 6, 7, 23, 24, 40, and 41, and as applied to claims 4, 5, 21, 22, 38, and 39 above**, Fujii also discloses wherein the function of switching to a service (i.e., type of communication, for example, voice (speech) communication) with which said PHS telephone 1110a-1110c (portable cellular phone set) on the destination (termination) side can cope is configured to switch to voice (speech) communication if information indicating the service type

Art Unit: 2686

is not added to the communication refusal (termination rejection) reason (paragraphs 0032, 0033, and 0040).

Consider **claims 8-11, 25-28, and 42-45**, and as applied to **claims 2, 20, and 35** above, Fujii further discloses wherein the function of switching to a service (i.e., type of communication, for example, voice (speech) communication) (paragraph 0040) with which said PHS telephone 1110a-1110c (portable cellular phone set) on the destination (termination) side can cope is configured to switch to a service (i.e., type of communication) with which said PHS telephone 1110a-1110c (portable cellular phone set) on the destination (termination) side can cope in accordance with the presence/absence of setting, in advance, of switching to the service (i.e., type of communication) (paragraphs 0032, 0033, and 0039-0041).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

Art Unit: 2686

3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 12-17, 29-34, and 46-51** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fujii (JP 11-196469)** in view of **Nakajima (JP 07-231474)**.

Consider **claims 12-17, 29-34, and 46-51**, and as applied to **claims 1, 18, and 35** above, Fujii clearly discloses the claimed invention except wherein said PHS telephone 1110a-1110c (portable cellular phone set) on the destination (termination) side includes a function of storing data terminated during communication by a communication (termination) request which cannot be handled because an image display adapter for providing a service different from voice (speech) communication is not connected to at least said PHS telephone 1110a-1110c (portable cellular phone set) on the destination (termination) side, wherein the image display adapter is integrated or detachably connected to said PHS telephone 1110a-1110c (portable cellular phone set).

In the same field of endeavor, Nakajima clearly shows and discloses radio communication system, a method, and a cellular telephone 1 on a receiving (termination) side (abstract and figure 1) that includes a function of storing data received during communication by a communication (termination) request which cannot be handled because an image display adapter (e.g., personal computer 18 or digital camera 20) (figures 4 and 5) for providing a service different from voice (speech) communication is not connected to at least said cellular telephone 1 on the receiving (termination) side, wherein the image display adapter is integrated (e.g., digital

Art Unit: 2686

camera 20) or detachably connected to said cellular telephone 1 (abstract, figures 1, 4, and 5, and paragraphs 0005-0008 and 0016-0019).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the storing function taught by Nakajima into the telephone taught by Fujii for the purpose of receiving image data even when an image display device is not available (Nakajima; abstract and paragraphs 0004-0006).

Conclusion

8. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Crystal Park II
2021 Crystal Drive
Arlington, VA 22202
Sixth Floor (Receptionist)

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

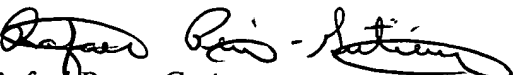
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

Art Unit: 2686

supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.


Rafael Perez-Gutierrez
R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
PATENT EXAMINER

July 14, 2004